IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15133 of 2007(B)

PETITIONERS:

1. SRI.P.N.RATNAKARAN,
   SREEVILASAM HOUSE,SRP MARKET P.O.,
   THAZHAVA,KTUTTIPPURAM,KOLLAM.

2. PRABHAKARAN PILLAI,
   KATTUR PUTHEN VEEDU,
   S.R..P.MARKET P.O.,

3. IRAHIMKUTTY, PAKSHITHARAYIL HOUSE,S.R.P.
   MARKET P.O.,KUTTIPPPURAM.

4. POLLY PRAKASH,
   KADAVINAL,
   S.R.P.MARKET P.O.,
   KUTTIPPURAM.

BY ADVS. SRI.V.G.ARUN
& SRI.T.R.HARIKUMAR

RESPONDENTS:

1. THE DEPUTY DIRECTOR,
   DAIRY DEVELOPMENT DEPARTMENT,
   KOLLAM.

2. KUTTIPPURAM MILK SOCIETY LIMITED
   NO.G.329(D) APCCCS,KUTTIPPURAM P.O.,
   KARUNAGAPPALLY,
   REPRESENTED BY ITS SECRETARY.

R1 BY GOVERNMENT PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C) No.15133 OF 2007 B

Dated this the 6th day of June, 2007.

JUDGMENT

The petitioners challenge Ext.P4. I heard learned counsel for the petitioners and the learned Government Pleader.

2. Learned Government Pleader submits that Ext.P4 is an appealable order. It is not in dispute that Ext.P4 is appealable. The petitioners have preferred Ext.P5 appeal against Ext.P4.

3. Having regard to the circumstances, I think that the petitioners should be relegated to pursue the appellate remedy.

Accordingly, the writ petition is disposed of directing the 1st respondent to take a decision on Ext.P5, after hearing the affected parties, within a period of 10 weeks from the date of receipt of a copy of this judgment. In the meantime, if the petitioners seek interim relief in the appeal, the appellate authority will consider the same

and pass appropriate orders in accordance with law, within a period of 5 days from the date of receipt of the application. It is open to the petitioners to seek appropriate orders on inspection of the site also before the appellate authority.

Sd/-
(K.M.JOSEPH)
JUDGE

sk/

//true copy//

P.S. To Judge